

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SKILLZ PLATFORM INC.,
a Delaware corporation,

Plaintiff,

-against-

VOODOO SAS, a foreign corporation;
ESPORT NEWCO SAS, a foreign
corporation; and ESPORT NEWCO US
CORP., a Delaware corporation,

Defendant.

Civil Action No.: 24 Civ. 4991 (VSB)

Hon. Vernon S. Broderick

PLAINTIFF'S NOTICE OF MOTION

Plaintiff Skillz Platform Inc. (“Skillz” or “Plaintiff”) having filed its Complaint and its Motion for a Preliminary Injunction (“Motion”) hereby moves the Court, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, to issue a preliminary injunction against Defendants Voodoo SAS, Esport Newco SAS, and Esport Newco US Corp. (together, “Voodoo”) that enjoins Voodoo from:

1. Disseminating or causing to be disseminated false or deceptive representations that state or imply that (1) Voodoo’s mobile gaming applications are fair; (2) Voodoo’s mobile gaming applications are skill-based; (3) users of Voodoo’s mobile gaming applications will be matched with “real opponents” or “real players”; (4) Voodoo does not have a financial interest in the outcomes of tournaments played on its mobile gaming applications; and (5) Voodoo’s mobile games do not use bots; and

2. Using bots in Voodoo's mobile games, including Blitz Win Cash, Match3 – Win Cash, Bingo – Win Cash, and Pool – Win Cash, and Blitz – Play Games, during the pendency of this action.

Plaintiff also hereby moves the Court, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure, for an order authorizing expedited discovery to more fully discover the scope of Voodoo's use of bots and misconduct so that it can present such evidence during a preliminary injunction hearing. Plaintiff seeks an order authorizing the following:

1. At any time after the date of an order authorizing expedited discovery, Plaintiff may serve the ten (10) requests for production of documents attached as Exhibit C to Plaintiff's Memorandum in Support of Application for Preliminary Injunction and Limited Expedited Discovery on Voodoo, with the response due within fourteen days of service;
2. Plaintiff is relieved of the minimum time periods outlined in the Federal Rules of Civil Procedure for serving, and demanding compliance with, discovery requests;
3. At any time after the date of an order authorizing expedited discovery, Plaintiff may take up to three (3) depositions pursuant to Rule 30(b)(1), not to exceed seven hours on the record each. Voodoo shall produce the deponent for deposition upon three days' notice, and all depositions shall be completed within forty days of the date of an order authorizing expedited discovery; and
4. At any time after the date of an order authorizing expedited discovery, Plaintiff may take one (1) deposition pursuant to Rule 30(b)(6) on the topics attached to Plaintiff's Memorandum in Support of Application for Preliminary Injunction and Limited Expedited Discovery as Exhibit D, not to exceed seven hours on the record. Voodoo shall produce the

deponent for deposition upon three days' notice, and this deposition shall be completed within forty days of the date of an order authorizing expedited discovery.

This Motion is based on this notice of Motion, the Memorandum of Law in support of this Motion and exhibits thereto, the Declaration of Craig Carpenito and exhibits thereto, and the Declaration of Casey Chafkin.

Dated: August 22, 2024

KING & SPALDING LLP

By: /s/ Craig Carpenito
Craig Carpenito
ccarpenito@kslaw.com
Jessica Benvenisty
jbenvenisty@kslaw.com
Alvina Pillai
apillai@kslaw.com
KING & SPALDING LLP
1185 Avenue of the Americas
34th Floor
New York, NY 10036-2601
Tel: (212) 556-2100
Fax: (212) 556-2222

Lazar P. Raynal (*pro hac vice*)
lraynal@kslaw.com
Michael A. Lombardo (*pro hac vice*)
mlombardo@kslaw.com
KING & SPALDING LLP
110 N. Wacker Drive
Suite 3800
Chicago, IL 60606
Tel: (312) 995-6333
Fax: (312) 995-6330

Attorneys for Skillz Platform Inc.